



**CALIFORNIA STATE PERSONNEL BOARD**

801 Capitol Mall • Sacramento, California 95814 • [www.spb.ca.gov](http://www.spb.ca.gov)

ARNOLD SCHWARZENEGGER, Governor



**CALIFORNIA STATE PERSONNEL BOARD MEETING<sup>1</sup>**

801 Capitol Mall  
Sacramento, California

Public Session Location – 801 Capitol Mall  
Sacramento, California, Room 150

Closed Session Location – 801 Capitol Mall  
Sacramento, California, Room 141

**SUMMARY MINUTES – OCTOBER 9, 2007**

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<sup>1</sup> Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

## **FULL MONTH BOARD MEETING MINUTES<sup>2</sup>**

**October 9, 2007**

### **PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

#### **1. ROLL CALL**

**Members present:**

**Sean Harrigan, President**  
**Anne Sheehan, Vice President**  
**Maeley Tom, Member**  
**Patricia Clarey, Member**  
**Richard Costigan, Member**

#### **2. REPORT OF THE EXECUTIVE OFFICER – Suzanne M. Ambrose**

- **State as a Model Employer** will be held October 17 & 18 at Franchise Tax Board. This job fair will promote hiring.
- The Executive Officer met with the State EEO Officers to discuss the Bilingual Services Program's Language Survey. The EEO Officers stated that the survey is not reliable due in part to the hand-tallying of bilingual phone calls. They would like to work with SPB to come up with a more reliable way to complete the survey.
- **SSA Exam –**
  - 9,282 people have taken the new SSA exam with an 86% passage rate.
  - 69 hires have been made off of the list.
    - 2 in Rank One;
    - 5 in Rank Two;
    - 5 in Rank Three;
    - 51 in Rank Four; and
    - Four each in Ranks Five and Six.
  - 300 vacancies statewide.
  - Departments are relatively happy with the list and candidate pool. The main complaint is that the top three ranks contain only candidates with Veteran's Preference Points.

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<sup>2</sup> The Agenda for the Board Meetings can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

- SPB Executive Staff met with the attendees of the two HR Modernization off-site meetings. Everyone that attended is supportive of the HR Modernization project.
- SPB Executive Staff will begin working on the new SPB Strategic Plan for the next one, five and ten years.

**3. REPORT OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION (DPA)**  
**- DPA Representatives**

Josie Fernandez of the Department of Personnel Administration, gave a brief report. Departments with classes closely related to the Staff Services Analyst classification are interested in revising their own classes, or abolishing those classes and using the SSA list. Board items will be brought forward soon.

**4. REPORT ON THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (CalPERS)**  
**- Maeley Tom**

A report was distributed on recent activities of the Public Employees' Retirement System.

**5. REPORT OF THE CHIEF COUNSEL – Elise Rose**

- SPB received the Receiver's 6<sup>th</sup> report to the Court. There was positive language included in the report about SPB, specifically referring to the Executive Officer.
- A Decision was reached in the Holmes case. SPB was overturned on the grounds that the decision was not supported by substantial evidence.

**6. NEW BUSINESS**

**NONE PRESENTED**

**7. REPORT ON LEGISLATION – Sherry Evans**

**NONE PRESENTED**

**8. EEO TRAINING WORKGROUP UPDATE**

A brief report was given on the status of the EEO Training Workgroup and its desire to establish intergovernmental standards for EEO training

**- Beth Selling, Manager, Technical Training Program, California State Personnel Board**

**CLOSED SESSION OF THE STATE PERSONNEL BOARD PURSUANT TO  
COPELY PRESS, INC. v. SUPERIOR COURT (2006) 39 CAL. 4<sup>TH</sup> 1272**

**9. ORAL ARGUMENT**

In the matter of **CASE NO. 07-1381A**. Appeal from dismissal.  
Correctional Sergeant. Department of Corrections and Rehabilitation.

Steve Jennings, Staff Counsel III, Department of Corrections and Rehabilitation,  
representing the department.

Phillip Murray, Staff Legal Counsel, CCPOA, representing appellant.

**ACTION: SUBMITTED**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**10. ORAL ARGUMENT**

In the matter of **CASE NO. 05-1043P**. Appeal from dismissal. Tax Counsel,  
Range D. Board of Equalization.

Brian Branine, Senior Tax Counsel, Board of Equalization, representing the  
department.

Ben Allamano, Attorney and Counselor, Law Office of Ben Allamano,  
representing appellant.

**ACTION: SUBMITTED**

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**11. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND  
OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**12. INFORMATIONAL BRIEFING – VETERANS PREFERENCE POINTS**

The Board, staff and interested parties discussed the correct method for awarding veterans preference points in the examination process.

**Elise Rose, Chief Counsel, State Personnel Board**  
**Bruce Monfross, Senior Staff Counsel, State Personnel Board**  
**Jack Kirwin, Deputy Secretary of Administration, Department of Veterans Affairs**

**13. INFORMATIONAL BRIEFING – RULE OF THREE RANKS**

The Board, staff and interested parties discussed under what circumstances eligibility lists may be comprised of only three ranks.

**Elise Rose, Chief Counsel, State Personnel Board**  
**Bruce Monfross, Senior Staff Counsel, State Personnel Board**  
**Kristen Haynie, Labor Relations Consultant, CAPS**  
**Kolleen Ostgaard, Director, Executive Fellowship Program, CSUS**  
**Sharon Planchon, Chief, Human Resources, Department of Social Services**  
**Chris Ford, CFO, CalSTRS**

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**14. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**15. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (c) (3), and 18653.]

**16. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.  
[Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California  
United States District Court, Northern District of California  
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.  
Case No. C01-1351 THE

Colocousis, et al. v. State Personnel Board, et al.  
Sacramento Superior Court Case No. 07CS00461

**17. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature.  
[Government Code section 18653.]

**NO ACTION**

**18. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor.  
[Government Code section 18653.]

**NO ACTION**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**19. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF  
OCTOBER 22, 2007, IN SACRAMENTO, CALIFORNIA**

**NONE**

**BOARD ACTIONS:**

**20. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF  
SEPTEMBER 4, 2007**

**ACTION: ADOPTED**

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

**21. EVIDENTIARY CASES**

**ACTION: See Case Listings on Pages 12 - 20**

**22. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION - (See Minutes on Pages 27-28)**

**ACTION: ADOPTED**

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan - Aye

**23. NON-EVIDENTIARY CASES**

**ACTION: See Case Listings on Pages 20-24**

**24. NON-HEARING CALENDAR**

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

On October 9, 2007, the following proposals were presented to the Board by Mike Strazzo, Chief, Merit Operations Division, California State Personnel Board.

**ACTION: ADOPTED**

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan - Aye

**A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**SUPERVISING DENTAL ASSISTANT, CORRECTIONAL FACILITY**

The Department of Corrections and Rehabilitation proposes the establishment of a new safety class, Supervising Dental Assistant, Correctional Facility.

**ACTION: ADOPTED**

**PHARMACIST I, CORRECTIONAL FACILITY  
PHARMACIST II, CORRECTIONAL FACILITY**

The Plata Personnel Services Office, Department of Corrections and Rehabilitation, proposes the establishment of two new safety classes, Pharmacist I, Correctional Facility and Pharmacist II, Correctional Facility.

**ACTION: SUBMITTED**

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** proposed to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

**NONE**

**25. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**LIFEGUARD SERIES  
STATE PARK RANGER SERIES**

The Department of Parks and Recreation proposes classification title changes for two of their classification series, Lifeguard and State Park Ranger, to adequately reflect the peace officer role of the classification. Language regarding equal employment opportunity was also updated.

**NO ACTION**

**26. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

- A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**DEPUTY DIRECTOR**

The California Gambling Control Commission proposes to allocate the above position to the CEA category. The Deputy Director is responsible for policy development and formulation pertaining to the gambling industry in California and issues related to fiduciary responsibilities and proper accounting of revenues.

**DIRECTOR, OFFICE OF GOVERNMENTAL AFFAIRS**

The Public Utilities Commission proposes to allocate the above position to the CEA category. The Director, Office of Governmental Affairs is responsible for managing all legislative activities, recommends strategic policies, and directly involved in the formulation and implementation of intergovernmental policies.

**DIRECTOR, ADMINISTRATION DIVISION**

The California Commission on Teacher Credentialing proposes to allocate the above position to the CEA category. The Director, Administration Division, plans organizes, directs and supervises the operations of the Administration Division; develops overall personnel and fiscal business services and procedures for the Commission, and advises program staff and Commissioners on complex Administration program and policy issues.

**ASSISTANT EXECUTIVE DIRECTOR, SALINAS VALLEY  
PSYCHIATRIC PROGRAM**

The Department of Mental Health proposes to allocate the above position to the CEA category. The Assistant Executive Director is responsible for ensuring the coordination of clinical and administrative services in a manner which promotes an environment of quality care and treatment of patients and the daily implementation of major policy made in relation to psychiatric services provided to California Department of Corrections and Rehabilitation inmates.

**DEPUTY DIRECTOR, ASSET MANAGEMENT BRANCH**

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Deputy Director is responsible for policy development and formulation pertaining to the continuous investment of real property, including policies for disposal of property and the administration of the Department's Master Plan that provides the strategic blueprint for the Departments acquisition, design, planning, operation, renovation, management and disposition of all real estate assets, both state-owned and leased.

**DEPUTY DIRECTOR, ACQUISITIONS BRANCH**

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Deputy Director is responsible for the policy development and formulation pertaining to land use matters and land acquisition, including complex real estate transactions and developing and managing a statewide program that provides acquisition and valuation services for land and facility sales and disposals real estate portfolio.

October 9, 2007

**DEPUTY DIRECTOR, FACILITY PLANNING BRANCH**

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Deputy Director is responsible for the policy development and formulation for the master planning of facilities and internal management of the state's facility planning process and developing and managing the Department's Master Plan that provides the strategic blueprint for the Departments acquisition, design, planning, operation, renovation, management and disposition of all real estate assets, both state-owned and leased.

**DEPUTY DIRECTOR, DESIGN SERVICES BRANCH**

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Deputy Director is responsible for the policy development and formulation of the New Prison Policy Guidelines, designs of prison facilities and staff and operation development for new prisons and the development and management of the Department's design services for the state-owned facilities.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**DEPUTY DIRECTOR OF ADMINISTRATION, BOARD OF EQUALIZATION**

The Board of Equalization's request to allocate the above position has been approved effective September 7, 2007.

**CHIEF INFORMATION OFFICER, BOARD OF EQUALIZATION**

The Board of Equalization's request to allocate the above position has been approved effective September 10, 2007.

**DEPUTY DIRECTOR, MENTAL HEALTH PROGRAM SERVICES, DEPARTMENT OF CORRECTIONS AND REHABILITATION**

The Department of Corrections and Rehabilitation's request to allocate the above position has been approved effective September 10, 2007.

**DEPUTY DIRECTOR, SAFETY AND RELIABILITY, PUBLIC UTILITIES COMMISSION**

The Public Utilities Commission's request to allocate the above position has been approved effective September 10, 2007.

**CHIEF, STRATEGIC PLANNING, POLICY AND RESEARCH, DEPARTMENT OF GENERAL SERVICES**

The Department of General Services' request to allocate the above position has been approved effective September 14, 2007.

**DEPUTY DIRECTOR, CONSUMER PROTECTION AND ELECTRIC  
GENERATION PERFORMANCE**

The Public Utilities Commission's request to allocate the above position has been approved effective September 19, 2007.

**ACTION: NOTED**

**27. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**28. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**ANNUAL CENSUS OF EMPLOYEES IN THE STATE CIVIL SERVICE**

The State Personnel Board has prepared this report for Fiscal Year 2006-2007, in compliance with California Government Code Sections 19237, 19405, 19705, 19792.5(b), and 19793, to inform the Governor and Legislature about the composition of the state civil service workforce.

**ACTION: NOTED**

**29. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**NONE**

**30. BOARD ACTIONS ON SUBMITTED ITEMS**

**ACTION: See Minutes on Pages 26-27**

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**31. MANDATORY SEXUAL HARASSMENT PREVENTION TRAINING**

**A D J O U R N M E N T**

**WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 21 - 23  
AS NOTED**

**21. EVIDENTIARY CASES**

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

**A. BOARD CASES SUBMITTED**

These items have been taken under submission by the State Personnel Board at a prior meeting.

On October 9, 2007, the Board took the following action on the following cases as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom Clarey, Costigan - Aye

**(1) CASE NO. 05-1007EA**

Appeal from denial of discrimination complaint

**Classification:** Outside contractor

**Department:** Department of Transportation

Proposed decision rejected December 19, 2006.

Pending oral argument April 3, 2007, Sacramento.

Oral argument continued.

Oral argument heard July 10, 2007, Sacramento.

Case ready for decision by FULL Board.

**NO ACTION**

**(2) CASE NO. 03-3412PA**

Appeal from rejection during probation

**Classification:** Correctional Counselor II (Supervisor)

**Department:** Department of Corrections and Rehabilitation

Petition for rehearing granted April 3, 2007.

Transcript prepared.

Pending oral argument July 10-11, 2007, Sacramento.

Oral argument continued.

Oral argument heard September 4, 2007, Sacramento.

Case ready for decision by FULL Board.

**ACTION:** The Board adopted the ALJ's Proposed decision sustaining the rejection. President Harrigan dissented.

**(3) CASE NO. 06-3023A**

Appeal from ten percent reduction in salary for three months

**Classification:** Psychiatric Technician

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected March 2, 2007.

Transcript prepared.

Oral argument heard August 7, 2007, Pasadena.

Case ready for decision by FULL Board.

**ACTION:** The Board revoked the disciplinary action.

**(4) CASE NO. 05-1285A**

Appeal from dismissal

**Classification:** Public Safety Dispatcher II

**Department:** Department of California Highway Patrol

Proposed decision rejected January 9, 2007.

Transcript prepared.

Pending oral argument June 5, 2007, Sacramento.

Oral argument continued.

Oral argument heard September 4, 2007, Sacramento.

Case ready for decision by FULL Board.

**NO ACTION**

**(5) CASE NO. 06-2010A**

Appeal from medical termination

**Classification:** Administrative Support Coordinator II

**Department:** California State University, Los Angeles

Proposed decision rejected May 8, 2007.

Transcript prepared.

Oral argument heard August 7, 2007, Pasadena.

Case ready for decision by FULL Board.

**NO ACTION**

October 9, 2007

**(7) CASE NO. 07-003 (b)**

Appeal from Executive Officer's disapproval of contract

**Classification:** Janitorial Services

**Department:** Department of Health Services

Petition for rehearing granted May 8, 2007.

Oral argument heard September 4, 2007, Sacramento.

Case ready for decision by FULL Board.

**NO ACTION**

**B. CASES PENDING**

**ORAL ARGUMENTS**

These cases were on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

On October 9, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

**(1) CASE NO. 07-1381A**

Appeal from dismissal

**Classification:** Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

**ACTION: SUBMITTED**

**(2) CASE NO. 05-1043P**

Appeal from dismissal

**Classification:** Tax Counsel, Range D

**Department:** Board of Equalization

**ACTION: SUBMITTED**

**C. CHIEF COUNSEL RESOLUTIONS**

**(1) CASE NOS. 06-4707 & 07-1487**

**Classification:** Staff Psychologist-Clinical, CF

**Department:** Department of Corrections and Rehabilitation

Resolution rejecting stipulation for settlement entered into between appellant and the Department of Corrections and Rehabilitation.

**ACTION: Remanded to ALJ**

### **COURT REMANDS**

This case has been remanded to the Board by the court for further Board action.

(1) **CASE NOS. 00-0033, 00-0030, 00-0002, 99-5150**

**Classification:** Correctional Lieutenant/Correctional Officer/Health Record Technician II Supervisor

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board reinstated the modified penalties imposed by the Board in its first decision.

### **STIPULATIONS**

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

**NONE**

## **D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

### **PROPOSED DECISIONS**

These were ALJ proposed decisions submitted to the Board for the first time.

On October 9, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

(1) **CASE NO. 06-3772**

**CASE NO. 06-3517**

Appeal from a one step reduction in salary for twelve months

Appeal from dismissal

**Classification:** Psychiatric Technician

**Department:** Department of Developmental Services

**ACTION:** The Board adopted the ALJ's Proposed Decision

(2) **CASE NO. 00-1687AC**

Appeal from denial of request for reasonable accommodation

**Classification:** Correctional Lieutenant

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed Decision

- (3) **CASE NO. 07-1347**  
Appeal from ten percent reduction in salary for 13 months  
**Classification:** Office Technician  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision
- (4) **CASE NO. 07-0743**  
Appeal from suspension for 60 calendar days  
**Classification:** Office Assistant (Typing)  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision
- (5) **CASE NO. 07-0651**  
Appeal from rejection during probationary period  
**Classification:** Supervising Registered Nurse II  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision
- (6) **CASE NO. 06-3562**  
Appeal from dismissal  
**Classification:** Supervising Housekeeper I  
**Department:** Department of Mental Health  
**ACTION:** The Board adopted the ALJ's Proposed Decision
- (7) **CASE NO. 06-3699**  
**CASE NO. 06-3732**  
Appeal from a Letter of Reprimand  
Appeal from five percent reduction in salary for six months  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision
- (8) **CASE NO. 06-4585E**  
Appeal From denial of reasonable accommodation  
**Classification:** Staff Services Manager II  
**Department:** Commission on Teacher Credentialing  
**ACTION:** Submitted

- (9) **CASE NO. 07-0939E**  
Appeal from discrimination complaint  
**Classification:** Staff Service Analyst  
**Department:** California Exposition and State Fair  
**ACTION:** The Board adopted the ALJ's Proposed Decision.  
Member Clarey recused herself from the deliberations and vote.
- (10) **CASE NO. 06-3526**  
Appeal from five percent reduction in salary for six months  
**Classification:** Psychiatric Technician Assistant  
**Department:** Department of Developmental Services  
**ACTION:** The Board adopted the ALJ's Proposed Decision
- (11) **CASE NO. 05-1863E**  
Appeal from denial of discrimination complaint.  
**Classification:** Workers Compensation Insurance Technician  
**Department:** State Compensation Insurance Fund  
**ACTION:** The Board adopted the ALJ's Proposed Decision
- (12) **CASE NO. 06-3311B**  
Appeal from back salary determination after reinstatement from dismissal.  
**Classification:** Material and Stores Supervisor I  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision
- (13) **CASE NO. 07-1831**  
**CASE NO. 07-1806**  
**CASE NO. 07-1882**  
Appeal from five percent reduction in salary for twelve months  
(Case Nos. 07-1831, 07-1806)  
Appeal from five percent reduction in salary for 36 months  
(Case No. 07-1882)  
**Classification:** Correctional Officers & Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision

**PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING**

These were ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

**NONE**

**PROPOSED DECISIONS AFTER BOARD REMAND**

NONE

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

NONE

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On October 9, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

**(1) CASE NO. 06-2447P**

Appeal from dismissal

**Classification:** Accounting Officer (Specialist)

**Department:** Employment Development Department

**ACTION:** Petition for rehearing denied.

**(2) CASE NO. 06-1556PA**

Appeal from rejection during probation

**Classification:** Heavy Fire Equipment Operator

**Department:** Department of Forestry and Fire Protection

**ACTION:** Petition for rehearing denied.

**(3) CASE NO. 05-1177P**

Appeal from dismissal

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

**ACTION:** Petition for rehearing denied.

**WHISTLEBLOWER NOTICE OF FINDINGS**

NONE

**F. PENDING BOARD REVIEW**

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

On October 9, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

**(1) CASE NO. 06-3534A**

Appeal from constructive medical termination

**Classification:** Psychiatric Technician Assistant

**Department:** Department of Developmental Services

Proposed decision rejected June 19, 2007.

Pending transcript.

**NO ACTION**

**(2) CASE NO. 06-3014PA**

Appeal from punitive transfer

**Classification:** Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

Petition for rehearing granted July 10, 2007.

Transcript prepared.

Pending oral argument October 9, 2007, Sacramento.

**ACTION: Submitted**

**(4) CASE NO. 07-0850A**

Appeal from non-punitive termination

**Classification:** Clinical Social Worker

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected September 24, 2007

Pending transcript.

**NO ACTION**

**(4) CASE NO. 05-1432E**

Appeal from denial of sexual harassment complaint

**Classification:** Health Facilities Evaluator Nurse

**Department:** Department of Health Services

Proposed decision rejected June 5, 2007.

Transcript prepared.

Pending oral argument November 5, 2007, San Diego.

**NO ACTION**

- (5) **CASE NO. 05-3327A**  
Appeal from dismissal  
**Classification:** Medical Technical Assistant  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected July 10, 2007.  
Pending transcript.  
**NO ACTION**
- (6) **CASE NO. 06-1413PA**  
Appeal from five percent reduction in salary for six months  
**Classification:** Registered Nurse  
**Department:** Department of Corrections and Rehabilitation  
  
Petition for rehearing granted August 7, 2007.  
Pending transcript  
**NO ACTION**
- (7) **CASE NO. 07-1381A**  
Appeal from dismissal  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected June 5, 2007.  
Transcript prepared.  
Pending oral argument October 9, 2007, Sacramento.  
**ACTION: SUBMITTED**
- (8) **CASE NO. 05-1043P**  
Appeal from dismissal  
**Classification:** Tax Counsel, Range D  
**Department:** Board of Equalization  
  
Petition for rehearing granted June 5, 2007.  
Transcript prepared.  
Pending oral argument October 9, 2007, Sacramento.  
**ACTION: SUBMITTED**

## 23. NON-EVIDENTIARY CASES

### A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**WITHHOLD FROM CERTIFICATION**  
**CASES HEARD BY A STAFF HEARING OFFICER**

NONE

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

On October 9, 2007, the Board adopted, as indicated below, the following items as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

- (1) CASE NO. 06-2363N**  
**Classification:** Cadet  
**Department:** California Highway Patrol  
**Issue:** Suitability; premeditated petty theft and operating a vehicle under the influence.  
**ACTION: DENIED**
- (2) CASE NO. 06-2351N**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted employment and termination information.  
**ACTION: DENIED**
- (3) CASE NO. 06-1688N**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; illegal drug activity.  
**ACTION: DENIED**
- (4) CASE NO. 06-2556N**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; provided inaccurate information and negative law enforcement contacts.  
**ACTION: DENIED**

- (5) **CASE NO. 06-2256N**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; job termination within one year of his CDCR application.  
**ACTION: DENIED**
  
- (6) **CASE NO. 06-2255N**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted employment information and negative law enforcement contacts.  
**ACTION: DENIED**
  
- (7) **CASE NO. 06-1803N**  
**Classification:** Cadet  
**Department:** California Highway Patrol  
**Issue:** Suitability; provided inaccurate information regarding his military reprimands, excessive drinking and unfavorable rental history.  
**ACTION: DENIED**
  
- (8) **CASE NO. 06-1956N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; one DUI conviction.  
**ACTION: DENIED**
  
- (9) **CASE NO. 06-3723N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; drug use within one year of his CDCR application.  
**ACTION: DENIED**
  
- (10) **CASE NO. 06-1834N**  
**Classification:** Youth Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; drug use within one year of his CDCR application.  
**ACTION: DENIED**

- (11) **CASE NO. 06-3025N**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; job terminations within one year of his CDCR application.  
**ACTION: DENIED**
- (12) **CASE NO. 06-3074N**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; job termination within one year of CDCR application.  
**ACTION: DENIED**
- (13) **CASE NO. 06-1876N**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; failed to supply information or documentation needed to complete his background investigation.  
**ACTION: DENIED**
- (14) **CASE NO. 06-3046N**  
**Classification:** Cadet  
**Department:** California Highway Patrol  
**Issue:** Suitability; failed to disclose termination reasons from a prior employer.  
**ACTION: DENIED**
- (15) **CASE NO. 06-2846N**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information regarding previous employment application with the California Youth Authority and Background Investigation, as well as negative law enforcement contacts.  
**ACTION: DENIED**
- (16) **CASE NO. 06-3095N**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; failed to report negative law enforcement contacts.  
**ACTION: DENIED**

**(17) CASE NO. 06-1850N**

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

**Issue:** Suitability; omitted pertinent information.

**ACTION: DENIED**

**(18) CASE NO. 06-2550N**

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

**Issue:** Suitability; illegal drug activity.

**ACTION: DENIED**

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board was presented recommendations by a Hearing Panel on each appeal.

- **CASE NO. 06-3848N**

**Classification:** Youth Correctional Officer

**Department:** Department of Corrections and Rehabilitation

**C. EXAMINATION APPEALS  
MINIMUM QUALIFICATIONS  
MERIT ISSUE COMPLAINTS**

NONE

**D. RULE 211 APPEALS  
RULE 212 OUT OF CLASS APPEALS  
VOIDED APPOINTMENT APPEALS**

NONE

**E. REQUEST TO FILE CHARGES CASES**

NONE

**PETITIONS FOR REHEARING CASES**

NONE

**SUBMITTED**

1. **TEACHER STATE HOSPITAL (SEVERELY), ETC.**  
Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)
2. **VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)**  
Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)
3. **TELEVISION SPECIALIST (SAFETY)**  
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)
4. **HEARING – Personal Services Contract #04-03**  
Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)
5. **HEARING**  
Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)
6. **HEARING – PROPOSED AMENDMENTS TO REGULATIONS CONCERNING PROCEDURES THAT APPLY TO COST SAVINGS PERSONAL SERVICES CONTRACTS UNDER GOVERNMENT CODE SECTION 19130(a)** (Hearing held July 10, 2007.)
7. **CASE NO. 05-4007EA**  
Appeal from denial of discrimination complaint. Outside contractor. Department of Transportation. (Oral argument held July 10, 2007.)

8. **PERSONAL SERVICES CONTRACT NO. 07-01.** Appeal of the Department of the California Highway Patrol (CHP) from the Executive Officer's February 21, 2007, Disapproval of CHP's Personal Services Contracts for Custodial Services at the following offices: Torrance Area Office (RFP 078CP62001); Yolo Area Office (RFP 078CP6159); Burney Area Office (RFP 078CP5634R); Anaheim Area Office (RFP 078CP6171); Los Angeles Area Office (RFP 078CP6167); Monterey Park Area Office (RFP 078CP6170); Oceanside Area Office (RFP 078CP6141); Blythe Area Office (RFP 078CP6139); Santa Ana Area Office (RFP 078CP5905R); and Redwood City Area Office (RFP 078CP6143I). (Oral argument held July 10, 2007.)
9. **CASE NO. 06-3023A.** Appeal from ten percent reduction in salary for three months. Psychiatric Technician. Department of Corrections and Rehabilitation. (Oral argument held on August 7, 2007.)
10. **CASE NO. 06-2010A.** Appeal from medical termination. Administrative Support Coordinator II. California State University, Los Angeles. (Oral argument held on August 7, 2007.)
11. **CASE NO. 03-3412PA.** Appeal from rejection during probation. Correctional Counselor II (Supervisor). Department of Corrections and Rehabilitation.
12. **CASE NO. 05-1285A.** Appeal from dismissal. Public Safety Dispatcher II. Department of the California Highway Patrol.
13. **PERSONAL SERVICES CONTRACT NO. 07-02, CASE NO. 07-003(b)** Appeal in the matter of the Executive Officer's disapproval of the Janitorial Services contract. Department of Health Services.

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

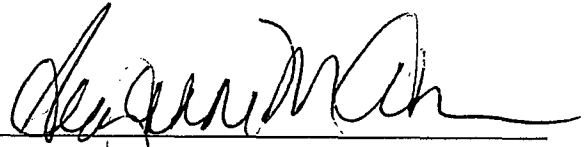
**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on November 5, 2007.

VOTE: Harrigan, Sheehan, Tom, Costigan – Aye

A handwritten signature in black ink, appearing to read 'Suzanne M. Ambrose', written over a horizontal line.

Suzanne M. Ambrose  
Executive Officer  
California State Personnel Board